



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO# 00-03

☒ Preproposal Statement of Inquiry was filed as WSR 00-05-096 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or

☐ Proposal is exempt under RCW 34.05.310(4).

☒ Original Notice

☐ Supplemental Notice to WSR \_\_\_\_\_

☐ Continuance of WSR \_\_\_\_\_

## Title of rule and other identifying information:

The Department of Ecology is proposing a new chapter, Chapter 173-182 Washington Administrative Code (WAC) *Oil Spill Contingency Planning*, which consolidates and amends the existing chapters 317-10 and 173-181 WAC. This amended rule sets standards for *VESSEL AND FACILITY*:

- Oil spill contingency plans,
- Drills that test plans, and the
- Approval of Primary Response Contractors.

Hearing location(s): See attached for hearing information.

## Submit written comments to:

Name: Elin Storey

Address: Department of Ecology

P.O. Box 47600

Olympia, WA 98504-7600

e-mail: [cplanrule@ecv.wa.gov](mailto:cplanrule@ecv.wa.gov)

Phone number: (425) 649-7111

fax (360) 407-7288 Received by 5 p.m. on July 26, 2006

Date of intended adoption: 9/25/06

(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact

Susanne McLemore by July 5, 2006

TTY (800) 833-6388

## Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Ecology Spill Prevention, Preparedness & Response Program is ~~amending and consolidating the vessel and facility oil spill contingency plan requirements into one updated rule. Specifically, these rules are Chapter 173-181 Washington Administrative Code (WAC), Facility Contingency Plan and Response Contractor Standards, and Chapter 317-10 WAC, Vessel Contingency Plan and Response Contractor Standard.~~ *CREATING A NEW CHAPTER OF RULES FOR* The existing rules are over ten years old and they:

- Require vessels, facilities, and pipelines to plan for worst case oil spills.
- Require plan holders to use state approved response contractors.
- Describe a program for drill exercises to test the plans.

*THE TWO EXISTING CHAPTERS OF RULES, CH 173-181 & 317-10 WAC, will be repealed at a later date.*  
Reasons Supporting Proposal:

The rules updates are necessary in order to build on the last ten years of improvements in spill preparedness, and to move current guidance into rule *date* to comply with the Supreme Court's *Hillis* decision.

Statutory authority for adoption: RCW 88.46.060, RCW 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060, 90.56.210, 90.56.240, 90.56.340, and ESSB 6244 as signed in 2006

Statute being implemented: Chapters 90.56 and 88.46 RCW & Modified by 2006 Legislature (ESSB 6244)

## Is rule necessary because of a:

Federal Law?

Federal Court Decision?

State Court Decision?

☐ Yes

☐ No

☐ Yes

☐ No

☒ Yes

☐ No

If yes, CITATION:

3/97 WA State Supreme Court decision in

Hillis -vs- WA State Department of Ecology

DATE:

6/6/06

NAME (type or print)

Polly Zehm

SIGNATURE

*Polly Zehm*

TITLE

Deputy Director

## CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 7 2006

TIME

1030

WSS

06-12-120

AM

PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Washington State Department of Ecology

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Linda Pilkey-Jarvis	Olympia WA	(360) 407-7447
Implementation.....	Linda Pilkey-Jarvis	Olympia WA	(360) 407-7447
Enforcement.....	Dale Jensen	Olympia WA	(360) 407-7452

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Elin Storey  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

phone (425) 649-7111  
fax (360) 407-7288  
e-mail [cplanrule@ecy.wa.gov](mailto:cplanrule@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name: Elin Storey  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

phone (425) 649-7111  
fax (360) 407-7288  
e-mail [EABR461@ecy.wa.gov](mailto:EABR461@ecy.wa.gov)

☐ No: Please explain:



**OIL SPILL CONTINGENCY PLAN RULE**  
**Public Hearings Schedule**  
**July 11-19**

Date	City	Location	Room	Address	Start Time
July 11, 2006	PASCO	Columbia Basin College	Gjerde Center	2600 N 20 <sup>th</sup> Ave Pasco, WA 99301  Contact Info: 509-547-0511 x 2240	6:00 PM
July 13, 2006	VANCOUVER	Washington State University- Vancouver Campus	Student Services Building-Room 129-130	14204 NE Salmon Creek Ave Vancouver, WA 98686  Contact Info: 360-546-9588	6:00 PM
July 15, 2006	PORT ANGELES	City Council Chambers	Main Chamber Room	321 E 5 <sup>th</sup> ST Port Angeles, WA 98362  Contact Info: 360-457-0411	4:00 PM
July 18, 2006	BELLINGHAM	Hampton Inn	Fox Hall	3985 Bennett Drive Bellingham, WA 98225  Contact Info: 360-676-7700	6:00 PM
July 19, 2006	SEATAC	Highline Community College	Building 7	2400 S 240 <sup>th</sup> Des Moines, WA 98198  Contact Info: 206-878-3710	6:00 PM